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derivatively on behalf of Wal-Mart Stores, Inc.

10  
11 **UNITED STATES DISTRICT COURT**  
12  
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 M.J. FURMAN, derivatively on behalf of WAL- ) Case No. C 06-03532 SBA  
15 MART STORES, INC., )  
16 Plaintiff, ) STIPULATION AND [PROPOSED]  
17 vs. ) ORDER FOR REMOVAL FROM  
18 S. ROBSON WALTON; JIM C. WALTON; ) AUTOMATIC REFERRAL TO THE  
19 JAMES W. BREYER; DAVID D. GLASS; ) ADR MUTLI-OPTION PROGRAM  
20 ROLAND A. HERNANDEZ; JOSE H. ) PURSUANT TO ADR  
21 VILLARREAL; H. LEE SCOTT, JR.; JACK C. ) LOCAL RULE 3-3(c)  
22 SHEWMAKER; and DOES 1-50, inclusive, )  
23 )  
24 Defendants; )  
25 -and- )  
26 WAL-MART STORES, INC., )  
27 Nominal Defendant. )  
28

1       The undersigned parties, by and through their counsel of record, hereby stipulate and  
2 agree as follows:

3       WHEREAS, this case was automatically referred to the ADR Multi-Option program;

4       WHEREAS, the undersigned parties agree that the case should be removed from the  
5 ADR Multi-Option program pursuant to ADR L.R. 3-3(c) because the undersigned parties do not  
6 believe, at this time, that the Multi-Option program will facilitate resolution of the matter;

7       WHEREAS, the parties will discuss ADR options as appropriate on an ongoing basis  
8 over the course of this litigation, and in the event that the parties elect to pursue ADR options,  
9 will contact the Court to provide updates and/or seek guidance as such efforts proceed;

10      NOW, THEREFORE, the undersigned parties hereby stipulate and agree, and respectfully  
11 request that the Court enter an order, as follows:

12      1.       This case shall be removed from the ADR Multi-Option program.

13      2.       The undersigned parties will continue to discuss ADR options on an ongoing  
14 basis, and will update the Court should they later wish to participate in an ADR process.

15      IT IS SO STIPULATED.

16      Dated: January 3, 2007

COTCHETT, PITRE, SIMON & McCARTHY

17      By: \_\_\_\_\_/s/

18                   MARK C. MOLUMPHY  
19                   COTCHETT, PITRE, SIMON &  
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26      Attorneys for Plaintiff M.J. Furman,  
27                   derivatively on behalf of Wal-Mart Stores, Inc.

1 Dated: January 3, 2007

2  
3 WILSON SONSINI GOODRICH & ROSATI

4 By: \_\_\_\_\_ /s/

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12 Attorneys for Nominal Defendant Wal-Mart Stores,  
13 Inc.

14 Dated: January 3, 2007

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16 By: \_\_\_\_\_ /s/

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24 Walton, James W. Breyer, David D. Glass, Roland  
25 A. Hernandez, H. Lee Scott, Jr., Jack C. Shewmaker  
26 and Jose H. Villarreal



## **CERTIFICATION OF CONCURRENCE**

I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Ignacio E. Salceda and Stephen A. Radin, counsel for defendants in this action.

Dated: January 3, 2007

COTCHETT, PITRE, SIMON & McCARTHY

MARK C. MOLUMPHY  
/s/

Attorneys for Plaintiff M.J. Furman,  
derivatively on behalf of Wal-Mart Stores, Inc.



1 **PROPOSED ORDER**

2 Pursuant to stipulation. IT IS SO ORDERED.

3  
4 Dated: 1/8/07

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6 The Honorable Saundra Brown Armstrong  
7 United States District Judge  
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